

REISSUE PATENT APPLICATION STATEMENT AS TO LOSS OF ORIGINAL PATENT		Docket Number (Optional) AVAN/000845
I hereby state that: I am a representative of the applicant for a reissue patent based on the original patent identified below.		
Name of Inventor(s)/Assignee(s) Avanex Corporation		
Patent Number 5,131,069		
Title of Invention FIBER AMPLIFIER HAVING MODIFIED GAIN SPECTRUM		
Reissue application number (if known) 09/105,572		
The ribboned original patent grant is lost or inaccessible.		
Signature 		
Typed or printed name Brian Kinard		Date 7/14/04
Title (e.g. inventor(s), officer of assignee) General Counsel & Vice President, Legal Affairs		

This collection of information is required by 37 CFR 1.178. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14.

JUL 19 2004

COPY

OCTOBER 31, 2003

PTAS

WILSON SONSINI GOODRICH & ROSATI
U.P. PETER ENG
650 PAGE MILL RD.
FH 1-2
PALO ALTO, CA 94304-1050



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231



700050686A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/30/2003

REEL/FRAME: 014090/0470
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

CORNING INCORPORATED

DOC DATE: 07/31/2003

ASSIGNOR:

CORNING PHOTONIC TECHNOLOGIES,
INC.

DOC DATE: 07/31/2003

ASSIGNOR:

CORNING LASERTRON, INC.

DOC DATE: 07/31/2003

ASSIGNOR:

CORNING O.T.I. S.R.L.

DOC DATE: 07/31/2003

ASSIGNEE:

AVANEX CORPORATION
40919 ENCYCLOPEDIA CIRCLE
FREMONT, CALIFORNIA 94538

SERIAL NUMBER: 07743726
PATENT NUMBER: 5131069

FILING DATE: 08/12/1991
ISSUE DATE: 07/14/1992

014090/0470 PAGE 2

TONYA LEE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

Oct. 30. 2003 11:11AM

WILSON SONSINI

No.7814 P. 1

10/30/2003
700050686

FORM PTO-1595

1-31-93

JUL 19 2004

RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE

PATENTS ONLY

Patent and Trademark Office

To the Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Coming Incorporated
Coming Photonic Technologies, Inc.
Coming Lasertron, Inc.
Coming O.T.I S.r.l.

Additional name(s) of conveying party(ies) attached?

☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: Avancex Corporation

Street Address: 40919 Encyclopedia Circle

City/State/Zip: Fremont, California 94538

Additional name(s) & address(es) attached?

☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other

Execution Date: 7/31/03

4. Application number(s) or patent number(s): 1

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s):

B. Patent No.(s): 5,131,069

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: U.P. Peter Eng
Internal Address: FH 1-2
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304-1050

6. Total number of applications and patents involved: [1]

7. Total fee (37 CFR 3.41)\$40.00

☐ Enclosed
☒ Authorized to be charged to deposit account

8. Deposit account number: 23-2415
(Attorney Docket No.: 20397.700)

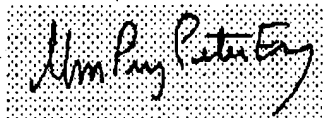
DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

U.P. Peter Eng, Reg. No. 39,656

Name of Person Signing



Signature

10/30/03

Date

Total number of pages including cover sheet, attachments, and document: 6

COPY

PATENT ASSIGNMENT

This Patent Assignment ("Assignment") is made as of July 31, 2003 by **Corning, Incorporated** a New York Corporation, having a place of business at One Riverfront Plaza, Corning New York ("Corning") and its subsidiaries identified in signature blocks below (collectively referred to as "Assignors"), to **Avanex Corporation**, a Delaware corporation having a place of business at 40919 Encyclopedia Circle, Fremont, California 94538, United States of America ("Assignee").

RECITALS

A. Corning, Assignee and Alcatel have entered into a Share Acquisition and Asset Purchase Agreement dated as of May 12, 2003 (the "Purchase Agreement") and an Intellectual Property Rights Agreement Between Corning Incorporated and Avanex Corporation Relating to Photonics executed on even date herewith (the "Intellectual Property Rights Agreement").

B. Assignors owns the patent(s) issued by the United States Patent and Trademark Office and certain foreign patent and trademark offices, as well as patent applications filed with the United States Patent and Trademark Office and certain foreign patent and trademark offices, as set forth on Schedule A hereto (the "Patents").

C. Pursuant to the Purchase Agreement and the Intellectual Property Rights Agreement, Corning desires to assign and to have its subsidiaries assign to Assignee all of Assignors' right, title and interest in and to the Patents.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants and agreements contained in the Purchase Agreement, the Intellectual Property Rights Agreement and the covenants and agreements in this Assignment and to induce Assignee to consummate the transactions contemplated by the Purchase Agreement, Assignor agrees as follows:

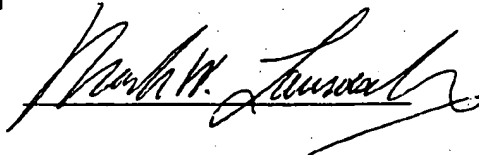
1. Each Assignor does hereby irrevocably sell, transfer, convey, assign and deliver to Assignee all of Assignor's right, title and interest in and to the Patents (and regarding Patents that are patent applications, any patents that may issue therefrom), including any foreign counterparts, divisionals, continuations in whole or in part, reexaminations, reissues or extensions thereof, and the right to claim priority to any of the preceding, the same to be held by Assignee for Assignee's own use and enjoyment, and for the use and enjoyment of Assignee's successors, assigns and other legal representatives, as fully and entirely as the same would have been held and enjoyed by Assignor if this Assignment and sale had not been made; together with all claims for damages by reason of past infringements of the Patents, along with the right to sue for and collect such damages for the use and benefit of Assignee and its successors, assigns and other legal representatives, such claims and right to sue being subject, however, to the obligation to remit to Corning recovery attributable to acts of infringement prior to execution of the Intellectual Property Rights Agreement (Section 2.2).

2. Each Assignor hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States, and any officer of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of intellectual property protection or applications as aforesaid, to issue the same to Assignee and its successors, assigns and other legal representatives in accordance with the terms of this instrument.

IN WITNESS WHEREOF, each Assignor has executed this Assignment on the date first above written.

Corning Incorporated

By:

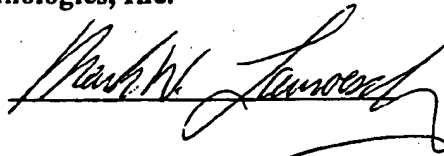


Printed Name: Mark W. Laureosch

Title: Assistant Secretary

Corning Photonic Technologies, Inc.

By:



Printed Name: Mark W. Laureosch

Title: Assistant Secretary

Acknowledgment by Notary Public

Country of USA

State of New York

County / City of New York

On this 31st day of July, 2003 before me, the undersigned Notary Public, personally appeared Mark W. Laureosch, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he or she executed the same.

Seal:

Signature: Ronald Carlton

Name: Ronald Carlton, Notary Public

RONALD CARLTON
Notary Public, State of New York
No. 01CA4841982
Qualified in Kings County
Commission Expires June 30, 2007

Corning Lasertron, Inc.

By:

William L. Juan

Printed Name:

William L. Juan

Title:

Clerk

Acknowledgment by Notary Public

Country of USA

State of New York

County / City of New York

On this 31st day of July, 2003 before me, the undersigned Notary Public, personally appeared William L. Juan, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he or she executed the same.

Seal:

Signature:

Ronald Carlton

Name:

Ronald Carlton, Notary Public

RONALD CARLTON
Notary Public, State of New York
No. 01CA4841082
Qualified in Kings County
Commission Expires June 30, 2007

Corning O.T.I. S.r.l.

By:

Printed Name:

Title:

Mark W. Lauroesch

MARK W. LAUROESCH

ASSISTANT SECRETARY

Acknowledgment by Notary Public

Country of USA

State of New York

County / City of New York

On this 31st day of July, 2003 before me, the undersigned Notary Public, personally appeared Mark W. Lauroesch, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he or she executed the same.

Seal:

Signature: Ronald Carlton

Name: Ronald Carlton, Notary Public

RONALD CARLTON
Notary Public, State of New York
No. 01CA4841982
Qualified in Kings County
Commission Expires June 30, 2007